



United States Department of the Interior

NATIONAL PARK SERVICE
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

Review and Comments on Building/Zoning Permit Application

Applicant(s):

Owner: Frank Dusman

Owner: Elizabeth Dusman

Tax Map #:

491-2.80.2

Application No.:

Receipt #41390

Zoning Authority:

Islip

Community:

Kismet

Object (Yes/No): Yes

If Objection status is "Yes", property will be subject to the condemnation authority of the Secretary of the Interior, if built as proposed, or previously built with or without permits beyond allowable standards.

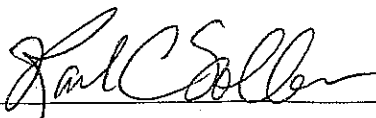
Reason for Objection: 36 CFR Part 28.12(d)

Objection Type: Exceeds 35% maximum lot occupancy

Comments:

The Seashore strongly objects to this request for relief from setback and FAR requirements. The applicant is looking to legalize development after the fact for construction that was apparently done without the benefit of permits. According to our calculations, the total lot occupancy for this development is 46.7%. The maximum allowed under the federal standards is 35%. The Town of Islip dropped its code for maximum lot occupancy requirements, in deference to considering only the FAR, under the premise that property owners will be held to construction only within the legal building envelope. The resulting impact with this application is that 395.1 square feet, or 12.3% of the 46.7%, decking that is below the 5 feet elevation requirement for FAR consideration is not counted in any way as lot development, which is inconsistent with the federal standards. To make matters worse, the applicant is seeking side yard variances, construction beyond the legal building envelope, in addition to their requested 48% FAR, when the maximum allowed under the town code is 30%. As built, this property is subject to the condemnation authority of the Secretary of the Interior.

Review of this application for construction or variance request within the Fire Island National Seashore is made in accordance with 36 C.F.R. Part 28, Federal Zoning Standards for Fire Island National Seashore.



Superintendent

Cc: Applicant

5/6/2014

Date